

Tahoe Basin Fire Chiefs

September 29, 2008

California Regional
Water Quality Control Board
Lahontan Region
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Dear Board Members,

The Lake Tahoe Basin Fire Chiefs ("Chiefs") are writing to ask for the Water Quality Board's assistance to help prevent another catastrophic wildfire and to restore the health of our ecosystem in the Lake Tahoe Basin.

Previous communication with your staff has included a letter of response to your Executive Director regarding the Proposed Adoption of a Memorandum of Understanding (MOU) between the Tahoe Regional Planning Agency (TRPA) and the Lahontan Water Quality Board (Board). We are sending this letter to you, the members of the Board, in order to directly communicate our significant concerns that do not appear to be addressed by the Board's management and staff.

As Chiefs, we are passionate about public safety and the environmental improvements that hazardous fuels reduction projects advance. We wish to do the best job in an efficient, timely and environmentally sensitive manner. In our efforts to achieve this task, we are accountable to everyone in the Basin. The Basin Fire Chiefs have worked hard over many years to earn the trust of our constituents as well as the various regulatory and land management agencies.

Members:

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The recently completed "Emergency California Nevada Tahoe Basin Fire Commission Report" contained significant recommendations to protect people, property and the environment here at the "Jewel of the Sierras," including, but not limited to, lake water clarity. The Basin Fire Chiefs commend the Commission for their diligent efforts and seek to implement all recommendations affecting our respective operations.

The following are several key points where improvement is essential to meet the objectives in the Report's critical recommendations:

Improve your staff's communications with all Basin agencies.

The Lahontan Regional Water Board must give the Basin fire protection agencies and Basin Fire Chiefs, including the US Forest Service (USFS) and Cal Fire, adequate notice of all proposed or pending policy changes. Include fire protection agencies in your planning far in advance of public notifications. By not notifying the Basin fire protection agencies, it is clear that your staff does not consider us to be a truly valued stakeholder in your regulatory regime.

An example is the recent MOU with TRPA drafted by your staff. Although required to have input from Cal Fire as a representative of our fire protection agency interests, they were left out of all of the initial meetings that produced the initial MOU draft. This would have been a critical time for all Basin fire protection agencies. It would also be helpful if the fire agencies participated in the new Timber Harvest Waiver process which greatly affects acceptance of the proposed MOU.

A representative from the Board's staff has been requested to attend all of our monthly Regional Fire Chiefs meetings affording an ideal opportunity to present any updates or proposed changes that would affect our fuels reduction objectives. To date, this participation has not occurred.

Participation by your Board's staff at several critical meetings has been poor at best. The February 2007 Timber Waiver meetings were not inclusive by your staff. Your Board's staff, although always invited, has rarely participated at our Community Wildfire Protection Plan meetings. Participation at the USFS 10-year Multi-Jurisdictional Fuels Plan process by Lahontan staff was almost nonexistent.

A significant concern of the Basin Fire Chiefs is the practice of your staff meeting with one agency and then determining that they have Basin consensus. Rarely will they sit down with more than one agency at a time for a regional or comprehensive discussion to seek a solution. Get all agencies involved together at one time and place and you will find consensus on a broader scale.

These practices and apparent policy of the Board's management and staff has unfortunately led to an all-time low level of trust between the basin Fire Chiefs and their Lahontan counterparts. We feel projects are slowed down by poor communication, duplicative applications, indifference, a lack of urgency on staff's part and a lack of respect of the job all fire protection agencies have in the Lake Tahoe Basin.

The result has been the relative lack of any stream environment zone (SEZ) work, a 15 year delay in implementing mastication projects and ever-changing roadblocks to accomplishing any difficult projects on the California side. The ultimate result has been the accelerated fire risk from bad to extreme in those areas.

Follow the Commission recommendations by creating an MOU with TRPA.

We need a streamlined process that provides necessary review without duplicative efforts. We feel TRPA could handle your stake in the Basin from a fuels management perspective. We understand that you have regulatory responsibilities that must be maintained.

Eliminate the adjunct timber waiver that is not required elsewhere in the State of California. The timber waiver is essentially a permit application and not a "waiver" by any rational definition of the English language. If for some reason you feel that the Lake Tahoe Basin alone must be subject to a timber waiver, establish an MOU with TRPA to allow TRPA to address it in a single, streamlined process that does not involve any action, review, second-guessing or obstruction by the Lahontan Board or its staff. It would help if we had the "new" timber waiver to compliment this draft MOU.

We believe that if a timber waiver is somehow deemed necessary, hand thinning should be exempted and placed in Category 1A. In accordance with the intent and direction of the Commission, TRPA should be the lead agency for this type of review. This process would help eliminate vagueness and ensure a single consistent policy throughout both States in the Basin.

Streamline the process and allow land managers to protect lives, property and the environment. TRPA will have the professional and experienced staff on hand to implement any MOU. Your staff's initial draft of the MOU appears to have many trigger points that allow the Lahontan Board's staff to step back in creating further uncertainty and delay attendant with another level of redundant bureaucracy. We think other agencies and the public need more education on what this MOU means in common language and how it is intended to be applied. The intent is critical to the application of this agreement. You should reference the Federal 401 and 404 permit authorities, or any other legal prohibition, that you cannot or will not delegate and provide a detailed, rational legal basis for refusing to delegate such.

Direct staff to stay focused and objective.

We ask you to direct your executive management and staff to stay professional and objective. They must leave personal and special interest agendas aside, especially when forming and proposing policies.

At times we have found it difficult and frustrating to work with your staff. Too often they have been "unavailable," "too busy," or unreasonable and inconsistent with their requests. Your staff consistently arrives late to meetings and leaves before the meetings end. Many times, they wouldn't even show up. Unfortunately, only after we repeatedly voiced our concerns to you, has your staff called after the fact to make amends. In our efforts to work cooperatively throughout the Basin, we all need to be present and accountable in an open and cooperative manner.

Summary:

All fire protection agencies and chief officers want to protect Lake Tahoe's environment and the public's safety.

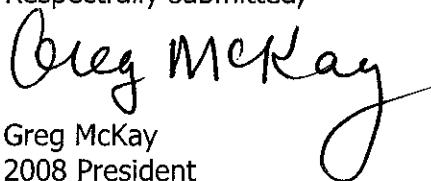
We need to rationally consider the short term impacts of fuels management work for the long term benefits of protecting Lake Tahoe from catastrophic wildfire. One hundred years of forest overgrowth cannot be mitigated efficiently by tiptoeing over the land with pruning shears. We must get the pendulum swinging back towards the center by working effectively to protect our beautiful area. Due to the fact that we are in a declared "State of Emergency," we are asking you to help us by removing unnecessary and redundant obstacles so work can be done in a timely manner.

We have the experienced technical specialists on board to help us implement fuels management projects. We are also proud of our efforts to work cooperatively with the Basin agencies as evidenced by the work of the Tahoe Multi-Agency Coordinating Group (MAC) and Tahoe Fire and Fuels Team (TFFT). Both of these groups include representatives from TRPA, land managers, Lahontan RWQCB and others. Additionally, we cooperatively have huge investments in the Basin's "Ten-Year Multi-Jurisdiction Fuels Reduction Strategy" and the "Community Wildfire Protection Plans."

We have proven we can conduct responsible projects. Our work values are based on trust, responsibility and accountability. This was evidenced by the work that occurred at the Third Creek Project in Incline Village, Nevada, where TRPA ensured that the Nevada Department of Environmental Protection (NDEP), the Nevada Department of Wildlife (NDOW), and the Nevada Division of Forestry (NDF) regulations were carried out. There were numerous praises for the project by various California and Nevada scientists, foresters, and regulators. This is also the view of your Executive Director, Harold Singer that was expressed at our September 26, 2008 meeting.

We understand and support your commitment to ensuring that environmental regulations are met. The historical context of our difficult relationship has shaped our low level of trust and our unwillingness to accept another poorly communicated document that is open for wide interpretation. The environmental community has already expressed their opinions repeatedly since the Blue Ribbon Commission's meetings and has on occasion used questionable tactics. On Friday, September 26, 2008 the Basin Chiefs sat down with Harold Singer and his staff, along with representatives of the LTBMU and Cal Fire receiving a much more comprehensive briefing of your Agency's intent and limitations. This was truly a great step in the right direction of communicating the intent of your Agency on this MOU and its future direction. Let's move forward in this manner so we can achieve our common goals in the future.

Respectfully submitted,


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2008 President



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